IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

HUNTINGTON DIVISION

UNITED STATES OF AMERICA,

Respondent,

VS.

CRIMINAL ACTION NO. 3:98-00047-01 (CIVIL ACTION NO. 3:05-0124)

KELVIN ANDRE SPOTTS, a/k/a "Shorty,"

Movant.

MEMORANDUM OPINION AND ORDER

Pending before the Court is Kelvin Andre Spotts' motion to reconsider the Findings and Recommendation of the Magistrate Judge issued on August 3, 2005. [Docket no. 877]. Movant also has filed three "Memorandum[s] in Support of Motion to Add or Amend Findings of Fact, under 28 U.S.C. 2255(6)(3) [sic]," [docket nos. 878, 879, & 882], and a "Memorandum in Support of Motion to Alter or Amend the Judgment." [Docket no. 883]. In the Findings and Recommendation, the Magistrate Judge recommended that the Court deny Movant's second motion pursuant to 28 U.S.C. § 2255 because Movant failed to get authorization to file a second motion pursuant to 28 U.S.C. § 2244. The Court has reviewed Movant's pleadings and finds no basis for this Court to exercise jurisdiction on his successive § 2255 motion. Accordingly, the Court ACCEPTS and INCORPORATES the Proposed Findings and Recommendations of the Magistrate Judge and DENIES Movant's objections.

The Court **DIRECTS** the Clerk to send a copy of this Order to Magistrate Judge Taylor, counsel of record, and any unrepresented parties.

ENTER:

August 30, 2005

ROBERT C. CHAMBERS

UNITED STATES DISTRICT JUDGE